

REMARKS

A. Rejection of claims 102-105 under 35 U.S.C. 112 ¶2

Claims 102-105 have been cancelled.

B. Rejection of claims 1-15, 18-29, 30-33, 37-56, 62-70, 76-101 and 109-112 under 35 U.S.C. 103(a) as being unpatentable over Alaia et al. (U.S. 6,408,283, “Alaia”) in view of Huberman (U.S. 5,826,244, “Huberman”);

In a telephone interview on April 24, 2003, Applicant Paul Milgrom and Applicants' attorney Robert Beyers explained to Examiner Patel -- and Examiner Patel agreed -- that (currently amended) claim element 1(d), i.e.,

- d) automatically generating rating information about seller offers based on a plurality of predetermined criteria, wherein said plurality of predetermined criteria include at least one criterion other than price;

is not taught or suggested by Huberman.

The phrase “wherein said plurality of predetermined criteria include at least one criterion other than price” was added to claim element 1(d) [as well as corresponding claim elements 2(g), 83(d), 95(d), and 112(d)] to make explicitly clear that “price” is not the same as “rating information” (e.g., a ranking, a numerical score, or a letter grade). Rather, price may be one of the criteria that is taken into account when the rating information about seller offers is automatically generated. For example, if price is one of the criteria upon which the rating information is based, a lower price in a seller offer will typically lead to the generation of a higher ranking, numerical score, or letter grade for

that seller offer. Thus, this additional phrase is merely a cosmetic change that does not narrow the scope of these claims.

Because Huberman fails to teach claim element 1(d), claim 1 (and all of its dependent claims) cannot be made obvious by Alaia in view of Huberman. Independent claims 2, 83, 95, and 112 each contain a claim element analogous to claim element 1(d) [i.e., 2(g), 83(d), 95(d), and 112(d)]. Thus, for the same reason, independent claims 2, 83, 95, and 112 (and all of their dependent claims) cannot be made obvious by Alaia in view of Huberman. Consequently, in the telephone interview, the Examiner agreed to withdraw all of the present 103(a) rejections because all of these rejections rely on Huberman to teach this claim element.

C. Rejection of claims 34-36 and 106-108 under 35 U.S.C. 103(a) as being unpatentable over Alaia in view of Huberman and Walker et al. (U.S. 6,041,308, “Walker”)

As explained in Remarks Section B. above, the Examiner has agreed to withdraw all of the present 103(a) rejections.

D. Rejection of claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Alaia in view of Huberman and Chen (U.S. 5,991,737, “Chen”)

As explained in Remarks Section B. above, the Examiner has agreed to withdraw all of the present 103(a) rejections.

E. Rejection of claims 57-61 and 106 under 35 U.S.C. 103(a) as being unpatentable over Alaia in view of Huberman and Mori et al. (EP 0 828 223 A2, “Mori”)

As explained in Remarks Section B. above, the Examiner has agreed to withdraw all of the present 103(a) rejections.

F. Objection to claims 74 and 75 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Claim 74 has been rewritten in independent form including all of the limitations of the base claim (Claim 1). Claim 75, which depends upon (currently amended) independent Claim 74 has not been rewritten because Claim 75 is no longer dependent upon a rejected base claim.

CONCLUSION

In light of the foregoing, the objections and rejections in the Office Action dated March 3, 2003 are believed to be traversed, and Applicants request that the objections and rejections be withdrawn and the claims be passed to allowance.

If the Examiner believes a discussion of the above would be useful, he is invited to call the Applicants' attorney, Dr. Robert Beyers, at (650) 470-4624.

Respectfully submitted,

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